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SUBJECT: ANTARCTICA: THE THIRTY-SECOND ANTARCTIC TREATY
CONSULTATIVE MEETING, BALTIMORE, APRIL 6-17, 2009

11. Begin Summary and Comment: The 32nd Antarctic Treaty Consultative Meeting (ATCM) met in Baltimore, Maryland, on April 6-17, 2009, to discuss a range of issues related to Antarctica. The Meeting was convened initially at the Department of State in Washington as part of the first-ever joint meeting of the ATCM and the Arctic Council. The Secretary hosted a ministerial session among the 28 Antarctic Treaty Consultative Parties and eight Arctic Council countries focusing first on the International Polar Year and

polar science, and then on commemorating the 50th anniversary of the Antarctic Treaty. The participants adopted ministerial declarations on each of these two topics.

¶2. At the ATCM, the United States successfully led efforts to adopt a Measure making mandatory an earlier recommendation that persons not be landed from tourist vessels carrying more than 500 passengers. Additional binding restrictions were adopted for the landing of passengers from smaller craft. The Parties also supported a U.S. initiative to engage the International Maritime Organization (IMO) in promoting vessel safety in the Treaty area, including work toward adopting a mandatory polar shipping code and stronger lifeboat protections. Finally, the Meeting took action on a third U.S. proposal recommending extension northward to the Antarctic Convergence of IMO limitations on vessel discharges in the Special Area of the Southern Ocean. In cooperating to enhance environmental protection for the entire Antarctic ecosystem, including marine ecosystems, the views of the Commission for the Conservation of Antarctic Marine Living Resources are being sought in considering next steps within the IMO.

¶3. The ATCM made notable progress in a number of areas other than those related to tourism and shipping. Prominent among these was the adoption of 13 Measures establishing or revising plans for Antarctic specially managed and protected areas (including five proposed by the United States). Capping eight years of negotiation, the Meeting also adopted a Measure amending Annex II on Antarctic fauna and flora to better reflect latest science. Efforts to adopt a new approach to biological prospecting, including a potential benefits sharing scheme (which the United States opposes) were turned back in favor of a Resolution reaffirming the Treaty system as the appropriate framework for managing the collection of biological material and considering its use. The ATCM's Final Report noted the view that the Law of the Sea Convention and other international and domestic law should be taken into account in addressing this complex matter. The ATCM also agreed to terms of reference for Expert Meetings hosted by New Zealand and Norway, respectively, on ship-borne tourism and climate change in Antarctica.

¶4. Comment: Events surrounding the 32nd ATCM effectively integrated several themes in U.S. polar diplomacy. They reaffirmed principles contained in the Antarctic Treaty, the first modern arms control accord and a model for successful international cooperation on science. They also canvassed the achievements of the 2007-09 IPY, and lent diplomatic support for scientific research at the Poles critical to a better understanding of Earth systems. Finally, they showcased the potential for collaboration between the ATCM and the Arctic Council as bodies which, while having evolved in different legal and political circumstances, share responsibility for regions both disproportionately affected by and uniquely positioned to offer insights on climate change.

¶5. The ATCM itself was unusually productive in generating no fewer than sixteen Measures, eight Decisions, and nine Resolutions) all in fewer working days than any recent ATCM. U.S. tourist and shipping-related initiatives were all either adopted or meaningfully advanced. In a number of areas) including steps toward more coherent eco-system management, better understanding cumulative environmental impacts, updating Treaty texts to reflect current science, and establishing prospective rules of the road for tourism) the ATCM addressed long range issues pro-actively. The work of a special 50th anniversary working group, in particular, evinced growing appreciation among the Parties for more strategic planning and the ATCM's need, while acknowledging its own special responsibilities, to work with other international organizations on issues of common concern. End Summary and Comment.

Attendance and Membership

¶6. The 32nd Antarctic Treaty Consultative Meeting (ATCM) was held in Washington, DC, and Baltimore, Maryland, on April 6-17, 2009. All 28 Antarctic Treaty Consultative Parties attended the Meeting (Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China, Ecuador, Finland, France, Germany, India, Italy, Japan, the Republic of Korea, the Netherlands, New Zealand, Norway, Peru, Poland, the Russian Federation, South Africa, Spain, Sweden, Ukraine, the United Kingdom, the United States, and Uruguay), as well as 9 of the 19 Non-Consultative Parties (Belarus, Canada, Colombia, the Czech Republic, Denmark, Greece, Monaco, Romania, and Switzerland). Observers attended from the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Council of Managers of National Antarctic Programs (COMNAP), and the Scientific Committee on Antarctic Research (SCAR). Experts also attended from the following intergovernmental and non-governmental organizations: the Antarctic and Southern Ocean Coalition (ASOC), the International Association of Antarctica Tour Operators (IAATO), the International Hydrographic Organization (IHO), the International Program Office for the International Polar Year (IPY-IPO), the International Union for the Conservation of Nature (IUCN), and United Nations Environmental Program (UNEP). Malaysia observed ATCM proceedings for the sixth consecutive year and, after having detailed for Parties progress made with a view to acceding to the Treaty, was invited to observe the 33rd ATCM as well.

¶7. The 23-person U.S. delegation led by OES/OPA Deputy Director Evan Bloom included USG representation from the Department, the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), and the U.S. Coast Guard. The U.S. delegation also included one U.S.-based non-governmental representative each from ASOC, IAATO, SCAR, and Oceanites (an environmental monitoring group assessing the status of wildlife in areas frequented by tourists). Two Senate Commerce Committee staff observed parts of the Meeting.

Joint Meeting of the ATCM and Arctic Council

¶8. The ATCM was convened in the Department of State,s Loy Henderson Auditorium on April 6 by OES Acting Assistant Secretary Reno L. Harnish as the first order of business in the first-ever joint meeting of the ATCM and the Arctic Council. Despite important historic, legal, and political distinctions, these bodies are the premier diplomatic bodies focused on their respective geographic regions. An important function of both is promoting polar science of the sort advanced during the 2007-09 International Polar Year (IPY), which had just drawn to a close on March 31. Senior representatives of all 28 Antarctic Treaty Consultative Parties, all eight Arctic Council countries, and eight Antarctic Treaty Non-Consultative Parties attended the half-day session which had as its focus celebrating the achievements of the IPY, lending diplomatic support to future scientific research at the Poles, and observing the 50th anniversary of the Antarctic Treaty, which was signed in Washington on December 1, 1959. Among those attending were one Head of State (Prince Albert of Monaco), eight foreign ministers (Argentina, Canada, New Zealand, Norway, Papua New Guinea, Peru, the United States, and Uruguay) and five other ministerial-level officials (Australia, Belgium, Chile, Denmark, and the Netherlands).

¶9. Secretary Clinton opened the joint meeting with remarks noting the historic significance and continued relevance of the Antarctic Treaty, especially in facilitating better scientific understanding of climate change. She characterized the Treaty as a blueprint for the kind of international cooperation that will be needed to address the challenges of the 21st Century, and an example of quote smart power unquote at its best. The Secretary cited the collapse, on April 5, of an ice bridge between the Wilkins Ice Shelf and the western coast of the Antarctic Peninsula as a timely reminder of the effect of global warming, and reaffirmed U.S. commitment to working with other nations in the run-up to

climate talks later this year in Copenhagen. She cited environmental changes in the Arctic and their ramifications for shipping and energy exploration in affirming the Administration's commitment to ratifying the Law of the Sea Convention. The Secretary also announced the President's having sent to the Senate, on April 3, Annex VI to the Antarctic Treaty's Protocol on Environmental Protection which deals with liability arising environmental emergencies in the Treaty area. She also encouraged Parties to act favorably on several key U.S. environmental and tourist initiatives at the upcoming 32nd ATCM. The text of the Secretary's remarks is at http://www.state.gov/secretary/rm/2009a/04/12_1314.htm.

¶10. Norwegian Foreign Minister Store, whose country chaired the Arctic Council, followed the Secretary with remarks emphasizing the importance of international coordination of polar research and the need for improved implementation of the existing extensive framework for governance. He noted that climate change is the ultimate political challenge of our generation, and our legacy to future generations. Dr. John P. Holdren, Assistant to the President for Science and Technology then delivered a keynote address on the significance of the IPY and the importance of continuing international cooperation in building on its considerable achievements. He affirmed U.S. commitment to supporting science and using scientific findings to shape policy.

¶11. New Zealand Foreign Minister McCully and Uruguayan Foreign Minister Fernandez then led meeting participants, respectively, in a discussion of IPY accomplishments and future priorities in polar science. FM McCully reviewed his country's IPY activities before inviting interventions by colleagues from Australia, Argentina, Canada, France, and the United Kingdom.

FM Fernandez cited several areas as priorities for future scientific investigation, including ice-field dynamics and regional changes in biodiversity, before ceding the floor to interventions by representatives of Belgium, Monaco, China, Chile, Denmark, Ecuador, Germany, and Iceland. During the ministerial discussion period, Deputy Secretary Steinberg noted the importance of strengthening regional observational networks, providing research opportunities for a new generation of polar scientists, and educating the public on the importance of polar regions in better understanding climate change. The text of all national interventions, including several that were submitted in writing, will be posted to the Antarctic Treaty Secretariat's website at http://www.ats.aq/index_e.htm.

¶12. Memorializing the achievements and dedicating themselves to sustaining the legacy of IPY, meeting participants then adopted a Ministerial Declaration on the International Polar Year and Polar Science. Language in the declaration committed the Parties to reviewing key issues related to scientific cooperation and recent scientific findings at their future meetings, and to using science to help inform the development of measures to address threats to the polar regions. Parties recommended that their governments continue efforts to create and link observational systems to improve the modeling and prediction of climate change, both regionally and over time, and encouraged states and international bodies to harness IPY research in support concrete initiatives to protect the polar environment. The text of the IPY Declaration is at http://www.state.gov/g/oes/rls/other/2009/121_340.htm.

¶13. In a concluding segment commemorating the 50th anniversary of the Antarctic Treaty, Treaty Parties adopted a second Ministerial Declaration, which reaffirmed their commitment to the objectives and purposes of the Treaty, specifically including Article IV (freezing territorial claims) and Article 7 of the Treaty's Environmental Protocol (banning Antarctic mining activities). The Declaration also encouraged collaboration with other international organizations whose expertise enhances the ATCM's ability to promote safety and environmental protection in Antarctica.

Text of the 50th Anniversary Declaration is at <http://www.state.gov/g/oes/rls/other/2009/121339.htm>. Former Deputy Assistant Secretary of State for Oceans, R. Tucker Scully, who had been elected the ATCM Chairman at the beginning of the joint Meeting, delivered remarks and unveiled a commemorative plaque that will eventually be placed near the Board Room of the National Academies of Science Building, where Treaty negotiations were held.

¶14. After the joint meeting of the ATCM and Arctic Council, the Secretary hosted a luncheon in honor of her counterparts and other participants. The National Science Foundation then sponsored a series of scientific lectures on key findings made during the IPY. The day's activities concluded with a reception co-hosted by the Department and the Smithsonian Institution at the recently inaugurated Sant Ocean Hall at the National Museum of Natural History.

Procedural Matters

¶15. The ATCM reconvened in regular session at the Baltimore Convention Center on April 7. During the opening plenary, 21 agenda items were distributed among three longstanding Working Groups (WGs) and a special 50th Anniversary WG established to reflect on a long-term agenda for the ATCM. Olav Orheim of Norway was selected to chair the Legal and Institutional WG which met concurrently during the ATCM's first week with the Committee on Environmental Protection (CEP), which was chaired by New Zealand's Neil Gilbert. After meeting in Plenary on April 14 to adopt the CEP's report, the ATCM broke into a Tourism WG chaired by the U.S. Head of Delegation and an Operational WG chaired by Jose Retamales of Chile. The Tourism and Operational WGs met in a special joint session during the second week to consider several papers dealing with human safety and environmental issues related to Antarctic shipping. The 50th Anniversary Working Group met during both weeks under the chairmanship of the ATCM Chairman.

¶16. During the opening plenary, delegates heard reports from depositaries of several Antarctic instruments, including a presentation by the United States which, as depositary of the Antarctic Treaty, reported that Belarus had acceded to the Protocol on Environmental Protection, all but one Party (Brazil) had approved Measure 1 (2003) establishing the Antarctic Treaty Secretariat, and that Spain and Poland had joined Sweden and Peru in approving Protocol Annex VI on Liability.

¶17. Several observers and expert organizations delivered papers on their work during the past year. Notable among these were presentations by 1) CCAMLR, (at which point, ASOC and the United States expressed concern about lack of consensus on achieving one hundred percent observer coverage on krill fishing vessels in the Convention area); 2) SCAR, which reported on its first IPY science conference in St. Petersburg, Russia, in July 2008; and 3) COMNAP, which reported on its new constitution which committed the organization to developing and promoting best practices in support of Antarctic scientific research.

¶18. IAATO reported a 16 percent decline in Antarctic tourism during 2008-09 on account of the global financial crisis, and projected that an estimated 39,000 tourists this year would grow to fewer than 43,000 in 2009-10) below the record 46,000 reported in 2007-08. In its report to the Meeting, the IHO expressed concern about slow progress among Parties in assigning higher priority to charting in Antarctica, and urged the adoption of national rules and guidelines similar to those contained in SOLAS Chapter V, Regulation 9. In presenting its report and related submissions to the ATCM, ASOC called on Parties to move swiftly to approve Protocol Annex VI (Liability), expedite efforts to deal with tourism and biological prospecting, and develop a system of marine protected areas and reserves in the Southern Ocean.

Legal and Institutional Issues

¶19. The Legal and Institutional WG opened its deliberations with discussion of a U.S. initiative recommending that Parties take action within the International Maritime Organization (IMO) to extend the Antarctic Special Area, and its restrictions on vessel discharges, northward from the Treaty Area to the Antarctic Convergence. It proposed that Parties assess the feasibility of individual vessels observing Special Area provisions whenever they find, by the measurement of seawater temperature, that the Convergence is located further north than that northern limit set in the CCAMLR Convention.

¶20. While there was broad support for measures protecting the entire Antarctic marine ecosystem, questions were raised by the United Kingdom and Russia, among others, about the role and competency of the ATCM to recommend action north of the Treaty area; i.e., 60 degrees South latitude. The United States chaired discussion on the margins after which the Meeting adopted a Resolution urging Parties to enhance environmental protection of the entire Antarctic marine ecosystem, to seek the views of CCAMLR on the proposed recommendation to the IMO, and to consider at the next ATCM the views of CCAMLR in deciding whether to recommend steps be taken within the IMO to extend the Antarctic Special Area northward to the Antarctic Convergence. The United States and several other countries underscored that jurisdictional concerns were unfounded and that the Treaty's Environmental Protocol commits all Parties to the comprehensive protection of the Antarctic ecosystem and dependent and associated ecosystems. It was also noted that the ATCM had previously acted in support of measures before the IMO to extend environmental protection to the Antarctic Convergence in Resolution 3 (2006) on Practical Guidelines for Ballast Water Exchange in the Antarctic Treaty area, where such exchanges should occur outside the treaty area and north of the Antarctic Convergence.

¶21. The Russian Federation proposed in a paper on the role and place of COMNAP in the Antarctic Treaty system a Decision approving COMNAP's new constitution and providing the body additional formal recognition. While the United States did not consider such additional recognition necessary given COMNAP's observer status at the ATCM, it joined in adopting a Resolution noting the important role that COMNAP plays in supporting the Antarctic Treaty Parties.

¶22. The Parties finalized an eight-year effort to revise Annex II of the Treaty's Environmental Protocol and ensure that it comports with latest science. Australia proposed in a working paper language drawing on progress made at the 31st ATCM and, on the margins, led discussions that led to the adoption of a Measure that will replace the original Annex II once it is approved. Notable amendments to the original text included (1) extending protections afforded by the Annex to include native terrestrial and freshwater invertebrates, (2) strengthening protections for those species designated as Specially Protected Species pursuant to the Annex, and (3) further developing the procedures for listing a species as a Specially Protected Species. The United States cited during negotiations the complex interaction between Annex II and the Agreement on the Conservation of Albatrosses and Petrels, and noted the need for additional discussions on how two agreements would now relate to each other.

¶23. In accordance with Article 9 of the Annex, the amendments will be deemed to have been approved and will become effective one year from the close of the Meeting, unless one or more Consultative Parties notifies the depositary that it needs an extension or that it will be unable to approve the Measure. At this juncture, the United States must determine whether Senate advice and consent will be needed to approve the Measure or whether it can be concluded as an executive agreement. Additionally, some edits and additions to the existing implementing legislation for Annex II will be required before the United States can approve the Measure.

¶24. Norway proposed and the ATCM adopted a Decision convening an Antarctic Treaty Meeting of Experts. Among topics to be

discussed at the meeting, which will be hosted by Norway on April 6-9, 2010, are 1) key scientific aspects of climate change and their consequences for Antarctica,s environment, 2) their implications for managing Antarctic activities, and 3) the relevance to Antarctica of conclusions reached at the upcoming Copenhagen meeting on climate change. In addition to the Parties, a range of ATCM observers and expert organizations were invited to attend, including representatives of the Intergovernmental Panel for Climate Change (IPCC).

¶25. The Antarctic Treaty Secretariat submitted several papers which described its activities in 2008-09, proposed a Secretariat program for 2009-10, and presented its budget for the years 2007-2011. The Executive Secretary reviewed progress since the last ATCM on a range of tasks with emphasis on the establishment of an Electronic Information Exchange System (EIES), and making available a comprehensive electronic archive of ATCM documents, final reports, and measures adopted over the past 50 years. He cited an updated version of the Antarctic Treaty Handbook, heretofore prepared by the United States as the Treaty,s depositary, as the sole area on which meaningful progress had not been made. The United States asked for and received information concerning the status of efforts to develop on the Secretariat,s website a dynamic database of Antarctic specially protected and managed areas, for which OES had provided funding during ¶2008.

¶26. The heads of delegation participated in interviews of five leading candidates for the position of Executive Secretary of the Antarctic Treaty Secretariat. After several rounds of voting, heads of delegation decided to extend to German Antarctic scientist and program administrator Dr. Manfred Reinke an offer to serve as Executive Secretary for a four-year period beginning on September 1, 2009. In his new capacity, Dr. Reinke will implement a Secretariat program over the next year which will include full implementation of the EIES and further development of the protected areas database, as well as preparation of a final report of the 32nd ATCM and logistical support for the 33rd ATCM.

¶27. Secretariat finances were a major focus of work in the Legal and Institutional WG. There was broad agreement among Parties that further cuts, especially in areas of IT equipment and staff training, could undermine the Secretariat,s ability to do its work. Modest additional savings were nonetheless achieved through the adoption of revised guidelines for submission, translation, and distribution of ATCM and CEP documents.

¶28. Parties discussed the implications of pending approval by all Parties of Measure 1 (2003), which will shift the burden of paying for ATCM interpretation from the hosting Party to the Secretariat. If its assumption of new fiscal responsibilities occurs during the next year, the Secretariat budget is expected to grow from approximately USD 900,000 to USD 1,300,000. The annual U.S. assessment, currently pegged at \$40,500 for 2010-11 could grow to \$58,300 as early as the payment made in January 2011 for 2011-12. With a view to anticipating possible budgetary shortfalls in paying for ATCM translation, a Decision approving the Secretariat,s program and budget for 2009-10 also provided for creation of a USD 30,000 Translation Contingency Fund.

¶29. Thirteen Parties (including the United States) reported on progress having been made during the past year on approving Annex VI of the Treaty,s Environmental Protocol, which deals with liability arising from environmental emergencies in the Treaty area. Several of those Parties indicated that it was likely that they may be able to approve Measure 1 (2005) before the 33rd ATCM. Legal representatives and others held an informal meeting at which they discussed their experience in crafting domestic legislation needed to implement the Measure.

¶30. The Legal and Institutional WG devoted considerable time to a discussion of the ATCM,s role in regulating biological

prospecting. Australia, joined by New Zealand, submitted a paper describing current controls over Antarctic biological prospecting and recommending that the ATCM adopt a Resolution noting that the Antarctic Treaty was the appropriate framework for governing biological prospecting in the Treaty area and highlighting existing regulatory arrangements. The United States expressed support for this initiative which closely tracked its position that the Treaty's existing legal framework (with its focus on environmental protection) is adequate, and that the free exchange of scientific information under Article III of the Treaty is not unconditional, but rather subject to what is feasible and practical.

¶31. The Australian initiative recast debate that might otherwise have been driven by a paper submitted by the Netherlands. That latter paper reflected discussions among 19 Parties (not including the United States) who attended a meeting hosted by the Netherlands without an ATCM mandate on Antarctic biological prospecting in February 2009. Purporting to conduct a gap analysis for managing biological prospecting under the Antarctic Treaty system, the Dutch paper was coordinated with separate submissions by Belgium and Sweden which respectively attempted to address the current scope and definition of biological prospecting in the Treaty area. Chile independently submitted a paper which addressed elements of a possible Antarctic biological prospecting regime, including its proper scope and the complicated issues of benefit sharing. SCAR reported on halting progress it had made in canvassing Parties, pursuant to a request from last year's ATCM, for input on their biological prospecting activities. Argentina and Brazil submitted papers reporting independently on their national activities.

¶32. After consultations on the margins of the Meeting, the Parties adopted a Resolution based on the Australian proposal which reaffirmed that the Antarctic Treaty system is the appropriate framework for managing the collection of biological material in the Treaty area and for considering -- as opposed to also managing -- its use. While more forward leaning than the original draft or what the United States would have preferred, the final Resolution stopped well short of reflecting positions taken by Sweden and South Africa that the ATCM needed to look to other international forums and be pro-active in considering the sharing of monetary benefits of biological prospecting. The United States and Australia responded to such arguments by underscoring how regulation of biological prospecting should not discourage research and innovation, and questioning why biological prospecting should be treated differently than other commercial activities such as fishing or tourism.

¶33. The ATCM established terms of reference for an intersessional contact group which would examine and report to the next Meeting on a range of issues including both those carefully crafted by the Dutch to frame their call for a comprehensive regulatory scheme, and others volunteered by New Zealand. The latter include identifying which activities qualify as biological prospecting, practical limits on the sharing of scientific information, and the relevance of applicable intellectual property regimes. While unenthusiastic about establishment of the ICG, the United States favored broad discussion enabling it and others to dispute freely the merits of overly broad regulation. Importantly, the United States successfully turned back calls for a formal Antarctic Treaty Meeting of Experts where discussions would be less manageable than in a web-based discussion group.

Meeting of the Committee on Environmental Protection

¶34. The twelfth meeting of the Committee met concurrently with the Legal and Institutional WG during the ATCM's first week. The Rules of Procedure for the Committee were amended via a Resolution to reflect changes to work practices that have occurred since the Protocol on Environmental Protection to the Antarctic Treaty came into force. Changes included creation of means to establish intersessional work for the Committee, which would allow the Committee to better respond

to requests from the ATCM and to emerging issues.

¶35. The five-year work plan of the Committee was updated. Topics of high priority include the introduction of non-native species, the environmental impacts of tourism activities, the impacts of global climate change and of global pollution, and the processing of new and revised protected area management plans, including marine spatial protection and management.

¶36. The Committee agreed to undertake a study of the environmental aspects of tourism and non-governmental activities in Antarctica. The study will include a status report on current activities, an assessment of potential environmental impacts, an assessment of the effectiveness of existing management measures, and the identification and assessment of on-going research and monitoring. New Zealand offered to staff the study, which will be directed by a CEP Management Group.

¶37. The ATCM adopted thirteen new or revised protected or managed area management plans. The Committee's Subsidiary Group on Management Plans (SGMP) reviewed three of these plans, which had been referred to it for intersessional review at the 2008 Committee meeting. Five of the plans were submitted by the United States, including two which are the only fully marine Antarctic Specially Protected Areas.

¶38. The work of the SGMP over the next two years will include a revision of the Guide to the Preparation of Management Plans for Antarctic Special Protected Areas and the development of similar guidance for the development of Antarctic Specially Managed Area (ASMA) management plans. The U.S. expects to play a significant role in the guidance document for ASMAs. Of the seven ASMAs in place, the management plans for four of the sites were developed or co-developed by the United States.

¶39. The ATCM also adopted a Resolution providing new guidelines for managing the list of Historic Sites and Monuments; these were aimed at improving the quality of protection afforded to present and future sites. A Measure added two new sites to the list.

¶40. Seven new Site Guidelines for visitor sites were approved by the ATCM. An intersessional contact group, chaired by Chile, was formed to review the current Site Guidelines and to develop revised and updated guidance for visitors, including the development of a common format where appropriate.

¶41. Marine spatial management and protection was given a priority by the CEP. Plans were made to develop a strategy for the establishment of an effective, representative and coherent spatial protection of marine biodiversity with the Antarctic treaty Area, within the next three years, through the designation of specially protected and managed areas under Annex V of the Protocol. As far as possible, cooperation was encouraged with SCAR and CCAMLR, including focusing work on those priority areas of the Southern Ocean agreed by CCAMLR.

¶42. The Committee established an intersessional contact group, chaired by France, to address the issue of non-native species in Antarctica, one of the Committee's high priority areas. Over the next two years, the group will develop an overall objective and key guiding principles for Parties, actions to address concerns, develop a suggested set of generally applicable set of guidelines to prevent the introduction of non-native species, and identify areas of operations in which further work is needed.

¶43. The Committee welcomed SCAR's advice on its summary report on persistent organic pollutants in the Antarctic region, which was prepared in response to a request from the Stockholm Convention Secretariat in 2008. The Meeting authorized the Secretariat to forward the final edited report to the Stockholm Conventional Secretariat when completed in

the near future.

¶44. The first joint meeting of the CEP and the Scientific Committee of the Convention for the Conservation of Antarctic Marine Living Resources (SC-CCAMLR) was held prior to the CEP meeting (April 3-4) to discuss five key areas of overlapping interests. The aim of the workshop was to develop a shared understanding of conservation objectives and priorities of the two bodies, identify areas of common interest, define mechanisms for practical cooperation, and identify lead bodies on issues of mutual interest. Shared objectives and priorities include climate change, non-native species, species requiring special protection, spatial marine management, and environmental monitoring. Lead groups were identified for several topics and future joint meetings are planned with the aim of coordinating efforts.

¶45. The Committee elected Veronica Vallejos of Chile to the position of first Vice-Chair. The positions of second Vice-Chair and Chair of the CEP will be the subject of elections at the fourteenth meeting of the CEP in 2010. The Committee thanked Yves Frenot for his two terms as first Vice-Chair and congratulated Neil Gilbert for a shortened yet highly productive meeting.

Operational Issues

¶46. The Operations WG met concurrently with the Tourism WG after adoption of the CEP Report by the ATCM sitting in plenary at the beginning of the Meeting,s second week. COMNAP presented a paper on improving search and rescue coordination and response in the Antarctic. That document informed the meeting on the outcome of a workshop on that subject held in Chile in August 2008. COMNAP asked the ATCM to consider adopting a Resolution incorporating those recommendations from the workshop that were directed to Antarctic Treaty Consultative Parties. Although the Parties were generally encouraging of the work of COMNAP, some Parties expressed concern about adopting a resolution and it was agreed instead to continue working intersessionally on the issue.

¶47. Uruguay presented a paper offering hydrographic experts from its Antarctic Program to vessels of opportunity operating in the Antarctic Peninsula region. Services of a hydrographer would be free of charge to train crewmembers on guidelines for the collection of hydrographic data issued by the IHO Hydrographic Commission on Antarctica.

¶48. SCAR made a presentation on the accomplishments and challenges of the just completed International Polar Year. The Parties strongly supported continuation of IPY work, particularly in the arena of long-term observation systems, data and information gathering, storage and exchange, and the encouragement of young scientists. The Meeting adopted a Resolution on ensuring the legacy of the International Polar Year along these lines.

¶49. Several papers were submitted concerning inspection protocols for permanent Antarctic stations and installations. WG discussion focused on the work of an intersessional contact group led by Argentina which had made significant progress on improving inspection procedures. The ATCM agreed to extend the work of the contact group for an additional year.

Tourism

¶50. While visitor numbers in 2008-09 had declined from record year-earlier levels, the ATCM remained deeply concerned about the safety and potential environmental impact of tourism within the Treaty area. Grounding incidents off the Antarctic Peninsula involving the M/V Ushuaia in December 2008 and the M/S Ocean Nova in February 2009, underlined for Parties the need for vigilance in ensuring the safety of passenger vessels and the sufficiency of search and rescue assets and protocols. Both IAATO and ASOC presented papers responding to concern at the 31st ATCM about possible growth

in land-based tourism facilities. Argentina restated that it reserved its right to install land infrastructure at bases similar to those already existing in Antarctica and encouraged, with support from others, the deploying of national observers on vessels either flagged by or carrying expeditions regulated by Parties.

¶51. The United Kingdom presented, in follow up to its undertaking at the 31st ATCM, a proposed strategic vision for Antarctic tourism over the next decade. It incorporated elements suggested by several other Parties, including the United States, during informal consultations over the intersessional period. Discussion of the proposed vision for tourism focused on the distinction between general principles and prescriptive action, the value of tourism in general and type of tourism the Parties wished to encourage. The United States joined others in noting that a properly worded statement of principles could be useful, especially as the ATCM reflected on its future agenda during this anniversary Meeting. The United States argued that a vision document should be aspirational in nature and acknowledge the positive role of tourism in promoting public appreciation for Antarctica, its unique aesthetic, scientific, and other values.

There was broad consensus that tourism should be organized so as to minimize its environmental impact and maximize the safety of operations. Parties also agreed that it should not interfere with scientific research.

¶52. After informal consultations, the ATCM adopted a Resolution noting the value of properly managed tourism and asserting that it should not be allowed to contribute to the long-term degradation of the Antarctic environment, or its wilderness and historic values. In the absence of adequate information about potential impacts, Parties agreed that decisions on tourism should be based on a pragmatic and precautionary approach which incorporates an evaluation of risks. This Resolution incorporated only part of the UK proposal, and did not break much new ground from a policy perspective.

¶53. Russia presented a paper which highlighted problems of uneven or occasionally absent national regulation of Antarctic tourism which resonated with the Parties and spurred discussion of better implementing the pre-season exchange of information. Russia cited as areas of special concern tour operators seeking to flag vessels and/or organize activities in nations with more lenient laws, and their possible use of subchartering arrangements to escape proper regulation.

¶54. In the first of two signature initiatives on Antarctic tourism, the United States proposed a Measure making mandatory guidelines in Resolution 4 (2007)) a U.S. proposal adopted at the New Delhi ATCM) which discouraged the landing of persons from vessels carrying more than 500 passengers, the simultaneous presence of more than one tourist vessel at any landing site, the debarkation of more than 100 passengers at a time, and a ratio of less than one guide for every 20 landed passengers. Many parties welcomed the U.S. initiative as an important step toward more proactive management of tourism. The ATCM ultimately adopted a Measure which maintained the substance of the US proposal but took into account certain technical concerns of the Japanese delegation.

¶55. Chile proposed that the ATCM curtail, as a priority matter in the regulation of Antarctic tourism, the staging of marathons which it viewed as potentially unsafe, environmentally damaging, and disruptive to scientific activities. Its submission of a paper on this topic won support among other Parties concerned about the growth of adventure tourism to the continent. The United States noted how proper planning of marathon activities, as well as close regulation by responsible national authorities, would address these concerns. The ATCM agreed to establish an intersessional contact group tasked with reviewing the management and proposing to the 33rd ATCM means of better regulating large-scale sporting and marathon running events.

The United States noted that industry had drafted guidelines for conducting marathons that would be relevant to intersessional work.

¶56. Shipping safety was the subject of a joint session of the ATCM,s Tourism and Operations WGs. The group,s first order of business was hearing and responding to a presentation on the November 2007 sinking of the M/V Explorer by a representative of the Liberian International Ship and Corporate Registry. An investigative report dated March 26, 2009, had just been submitted to the IMO, where Parties hoped that its findings on the competence of the ship,s master, adequacy of lifesaving equipment, the sufficiency of vessel construction, and evacuation protocols would be reviewed in detail. Argentina and Chile took strong exception to the report,s allegation of deficiencies in rescue coordination.

¶57. Following on this discussion, the United States introduced its second tourism-related initiative which recommended that Parties cooperate at the IMO to require that passenger vessels operating in the Treaty area carry sufficient and suitable lifeboats for all passengers and crew, and ensure that those lifeboats are outfitted with equipment to facilitate timely search and rescue. The U.S. proposal was broadly welcomed by Parties as an important step in more pro-active ATCM involvement in minimizing the possibility of a maritime disaster. Given the technical complexity, practical obstacles to implementation, and broader vessel safety issues currently under consideration in the IMO, the Parties decided to broaden the U.S. initiative into a more general endorsement of mandatory shipping rules for vessels operating in Antarctic waters. A Resolution directed the ATCM chairman to write to the IMO and welcome its progress to date in developing Guidelines for Ships Operating in Polar Waters. He was further directed to request that the IMO commence as soon as practicable the development of mandatory design, construction, and provisioning requirements including but not limited to survival craft and lifesaving equipment.

¶58. U.S. leadership in the matter of Antarctic maritime safety was further underscored in the work of an intersessional contact group asked by the 31st ATCM to continue its examination of issues concerning passenger ship operations in the Treaty area. Norway presented a report that identified potential regulatory gaps which, if closed, might lessen the risks posed by certain hazards of priority concern. The contact group suggested as the possible focus of more detailed gap analysis potential inadequacies in training, search and rescue, lifesaving equipment, vessel construction, and other items such as more accurate charting and weather forecasting. Given the need for broader participation and greater interaction among maritime experts than could be facilitated through a web-based discussion forum, the ATCM chose not to renew the contact group. Norway, however, undertook to submit its conclusions to the IMO,s Maritime Safety Committee.

¶59. New Zealand reiterated its offer at the 31st ATCM to host in Wellington on December 9-11, 2009, an Antarctic Treaty Meeting of Experts focused on humanitarian and environmental risks associated with an increase in ship-borne tourism in the Treaty area. The Parties adopted a Resolution setting the terms of reference for that meeting and decided that it would examine 1) trends in Antarctic ship-borne tourism, 2) relevant developments at the IMO and enhanced cooperation with the IHO, 3) a range of topics bearing on the prevention and mitigation of a maritime accident, 4) environmental safeguards and emergency response, and 5) problems posed by vessels flagged to non-Parties. The ATCM anticipated further discussion and possible elaboration on work of the contact group on passenger vessel issues when maritime experts meet in Wellington later this year.

Future Agenda

¶60. In a specially constituted 50th Anniversary WG, Parties discussed a range of systemic issues and a future agenda for

the ATCM. Their interventions were framed in part by a U.S. paper on those topics submitted at the 31st ATCM and a Russian paper submitted this year on the strategic role of the Antarctic Treaty. Parties canvassed as future priorities for the ATCM issues including climate change, advancement of science, establishment of marine protected areas, promotion of renewable energy, and review of biological prospecting. They emphasized the ATCM's need to coordinate with other international bodies, and the Parties' obligation to implement and comply with the Treaty and all approved ATCM Measures. Approving the Environmental Protocol's Liability Annex, and effectively managing Antarctic shipping, aviation, and tourism were all identified as priority concerns.

¶61. The Parties discussed -- but took no formal action to adopt) a number of proposals to streamline and better focus their work. Foremost among these was the need for strategic planning, possibly in the form of a work plan keyed to the next five to ten years. Also discussed were the benefits of more issue-specific ATCM agendas, adjusting the frequency and duration of future ATCMs, and making better use of smaller, more technical, and intersessional forums. The Parties endorsed expanding ATCM outreach to the general public and strengthening ties to other polar entities, including the Arctic Council and CCAMLR.

¶62. The 32nd ATCM closed on a positive note with Parties celebrating the Treaty's achievements over the past five decades, but also taking stock also of the challenges the ATCM faces in rapidly changing world. There was consensus that the Meeting had been among the most productive and best run in recent memory. Participants greeted with the enthusiasm Uruguay's announcement that it would host the 33rd ATCM in Punta del Este on May 4-15, 2010. Argentina announced that the 34th ATCM would convene in Buenos Aires on June 20-July 1, 2011, and Australia confirmed its intention to host the 35th ATCM in 2012 at a place and time to be determined.

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